

Remarks

The claims are amended to emphasize the features of the invention

Claim 1 shows several novelties of the instant invention compared to the prior art.

1. In the invention, there is one central database system, accessible over a network, which holds healthcare data for a multiplicity of patients and at the same time, each patient has a portable device which contains only that patient's data. Goetz teaches a database, which could be a smart card or a part of the patient's device, which is shared by physicians, pharmacies, emergency personnel which is presumably physically passed around and shared. Mayaud discloses a central database for a prescription system but not a personal device such as the medical portable device. The prior art does not contain such a central database and also a personal database. It would not be obvious to combine the central database of Mayaud with the individual database of Goetz, since neither discloses the infrastructure for updating a central database (for a multiplicity of patients) from personal databases.
2. The invention allows a prescription to be transmitted either by writing it to the portable medical device (which the patient carries to a pharmacy) or sending it by direct electronic mail to a patient preferred pharmacy, or sending it over the network to the central database system (the patient asks a pharmacy to look up his prescription).
3. The database system in the invention is not portable, but is accessed over a network connection.
4. Prescription fulfillment is carried out in a closed loop method. A healthcare practitioner can write an electronic prescription to the personal medical device and/or directly to a pharmacy and/or to the central database. A pharmacy retrieves the electronic prescription, scans a bar code from a container of medicine to be used to fulfill the prescription, identifies the medicine from the bar code, and if the identity agrees with the prescription, directly notifies the prescribing healthcare practitioner that the prescription was properly fulfilled. The central database is synchronized with a medical portable device whenever the medical portable device is accessed by a healthcare practitioner or pharmacy.

Claims 2 and 3 depend on claim 1.

Claim 4 requires that the system can be operated in two modes, where the healthcare practitioner or pharmacy computer is or is not connected to the central data base system. The central database is updated if and only if the healthcare practitioner or pharmacy computer accesses the personal medical device is accessed while the healthcare practitioner or pharmacy computer is connected to the central data base.

Claim 5 - The invention is applicable to an entire virtual clinic including various practitioners as in a real clinic. A practitioner of any type can see a patient's entire

condition, for instance a podiatrist might want to know if a patient were diabetic. The virtual clinic includes health care practitioners who do not write prescriptions.

Claim 6 requires authentication by biometric measurements. Mayaud seems if anything to teach away from biometric measurement because it relies on portable computer devices ((Mayaud: col 9, ln 16-27; col 10, ln 4-10).

Claims 19 – 24 parallel claims 1 – 6 as a system for providing the method. New claims 32 and 33 depend from claims 1 and 5 respectively.

Summary

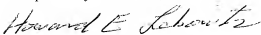
The prior art alone or in combination do not disclose:

1. A method and system having both a central database for healthcare records of a multiplicity of patients in combination with an individual portable device containing the records of an individual patient.
2. A method and system which can be used by a healthcare provider or pharmacy by accessing the portable device or the central database or both together. The central database and portable device are synchronized when the portable device is accessed when the pharmacy or healthcare provider computer is connected to the central database.
3. A method and system which provides closed loop prescription fulfillment by a pharmacy reading an electronic prescription from a healthcare provider, reading a barcode from a container of medicine and determining the identity of the medicine, comparing the identity of the medicine to the prescription, and automatically sending a direct message to the prescribing healthcare provider confirming that the prescription had been properly fulfilled.
4. A method and system which allows a multiplicity of patent users to establish virtual healthcare clinics of varying practitioners of different disciplines.

The applicant believes that the application as amended satisfies the requirements for patenting and respectfully requests allowance of claims 1 - 6, 19 – 24, and 32-33.

If you have any questions please feel free to contact the undersigned attorney at (510) 785-8070.

Respectfully submitted,



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